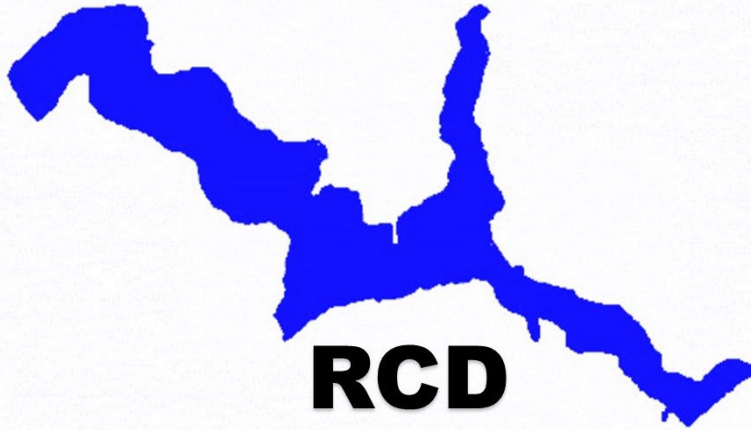


# **LOST LAKE**



## **RCD**

River Conservancy District

# **ORDINANCE CODE of LOST NATION NEW LANDING RIVER CONSERVANCY DISTRICT of ILLINOIS**

Published by Authority of the  
Board of Trustees of the  
Lost Nation New Landing  
River Conservancy District of Illinois

**Effective: April 9, 2002**

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# **ORDINANCE PROVIDING FOR THE REGULATION AND RESTRICTIONS GOVERNING THE USE OF THE PROPERTIES OF THE LOST NATION NEW LANDING RIVER CONSERVANCY DISTRICT OF ILLINOIS, OGLE COUNTY, ILLINOIS**

WHEREAS, The Lost Nation New Landing River Conservancy District of Illinois is a municipal corporation duly organized under the Special Districts River Conservancy District Validation Act (70 ILCS 2105/1 et. seq.) by referendum on December 16, 1978, and

WHEREAS, it is deemed advisable to create and collect the various ordinances of the Lost Nation New Landing River Conservancy District of Illinois in one ordinance to provide a single instrument for the government of the business operation of the River Conservancy District, the use of the parks and the policing of them and other facilities of the District and to set forth rules affecting the personal conduct of patrons and employees of the District:

NOW IT BE ORDAINED, BY THE TRUSTEES OF THE LOST NATION NEW LANDING RIVER CONSERVANCY DISTRICT OF ILLINOIS, IN OGLE COUNTY, ILLINOIS AS FOLLOWS:

## **CHAPTER I – DESIGNATION/PURPOSE/AUTHORITY/DEFINITIONS**

### **Section A – Designation**

This ordinance shall be known as the “Ordinance Code of the Lost Nation New Landing River Conservancy District of Illinois, Ogle County, Illinois” and the same may be so cited and referred to for purpose of identification, The District shall be hereinafter referred to as the “RCD”.

### **Section B – Purpose**

The purpose of this ordinance is to further the enactment of the Lost Nation New Landing River Conservancy District of Illinois’s (RCD) mission as stated in the River Conservancy Districts Act 70 ILCS 2105 section 1, which provides in part:

*“...The unified control of a lake or of a river system or a portion thereof shall be deemed conducive to the prevention of stream pollution development, conservation and protection of water supply, preservation of water levels, control or prevention of floods, reclamation of wet and overflowed lands, development of irrigation, conservation of soil, provision of domestic, industrial or public water supplies, collection and disposal of sewage and other public liquid wastes, provision of forests, wildlife areas, parks and recreational facilities, and to the promotion of the public health, comfort and convenience...”*

In doing so, the RCD deems it reasonable, necessary, and desirable to enact an ordinance specifying rules and regulations in order to provide: for the safe and peaceful use of park lands and trails; for the education and recreation of the public; for the protection and preservation of the property, facilities, and natural resources; and for the safety and general welfare of the public.

### **Section C – Statutory Authority**

The RCD formed under the River Conservancy Districts Act 70 ILCS 2105 in performing its primary duty of the acquisition, development, operation and maintenance of Lost Lake and its watershed, parks, trails, and related facilities and providing the means for the tax payers within its district access to lakes, rivers, streams and other natural features; is granted full power and authority to acquire and establish the above facilities and to operate, maintain, protect, and improve the lake, a park system and implement a recreational program. As aid to the accomplishment of these duties, the Board is granted the authority to enact ordinances.

### **Section D – Definitions**

"ALCOHOLIC BEVERAGE" includes any intoxicating beverage as defined by the State.

"AUTHORIZED ADULT" means any person who is at least eighteen (18) years of age and authorized by a parent or guardian to have custody and control of a juvenile.

"BOARD" means the appointed Board of Trustees of the RCD

"CONTROLLED SUBSTANCE" means any drug substance or immediate precursor as defined in the Illinois Statutes.

"DANGEROUS WEAPON" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable or producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm."Flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees

Fahrenheit but does not include intoxicating liquor. "Combustible liquid" is a liquid having a flash point at or above 100 degrees Fahrenheit.

"DESIGNATED AREA" means an area or facility identified by the RCD Board for use in a specific manner.

"DISTRICT" means Lost Nation new Landing River Conservancy District of Illinois, Ogle County, Illinois.

"INHALANT" means any substance, except lawful prescriptions, that releases vapors and which is used by a person for the purpose inducing symptoms of intoxication, elation, excitement, confusion, dizziness, paralysis, irrational behavior, or in any manner changing, distorting or disturbing the balance or coordination of a person's audio, visual, or mental processes.

"MOTORIZED RECREATIONAL VEHICLE" means any motorized self-propelled, off-road, or all terrain conveyance including but not limited to a snowmobile, ATVs, mini-bike, amphibious vehicle, go-cart, trail bike or dune buggy.

"NUISANCE" means anything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

"PARK VISITOR" means any person, firm, partnership, association, corporation, governmental unit, company or organization of any kind within a RCD Property.

"PERMIT" means the written permission that must be obtained from the RCD Board to carry out a given activity.

"PERMITTEE" means an individual, firm, corporation, society or any group to whom a permit is issued.

"PERSON" or "PERSONS" means individuals, firms, corporations, societies or any group or gathering whatsoever.

"POSSESSION" in relation to a controlled substance means – "Physical Possession": Having a controlled substance on one's person with knowledge of the nature of the substance. "Constructive Possession": Having once possessed a controlled substance, continuing to exercise dominion or control over the substance up to the time of arrest, aiding and abetting another in possessing a controlled substance, or being in the condition of having consumed or ingested a controlled substance.

"RCD PROPERTY" means those parks, park reserves, trails and other areas owned by the RCD under its control.

"SPECIAL USE" means the use of an area or facility in a RCD Property for the holding of tournaments, entertainment, or exhibitions; or, in a manner not customary or usual or normally allowed for that area or facility.

"VEHICLE" means any motorized or self-propelled powered conveyance.

"WATERCRAFT" means any contrivance used or designed for navigation on water, which includes but is not limited to, motorboats, personal watercraft or jet skis, paddleboats, canoes, sailboards, and rafts.

"WILDLIFE" means any living wild creatures.

## **CHAPTER II – ORGANIZATION**

### **Section A – Government**

The government of the District shall be vested in the Board of Trustees consisting of (5) members, duly appointed as provided by law.

### **Section B – Regular Meetings**

Regular meetings of the Board shall be held the ~~second Tuesday~~, ~~first Thursday [04-03-09]~~, ~~second Tuesday [08-07-04]~~, ~~first Tuesday [11-08-07]~~, ~~second Tuesday [04-11-08]~~, ~~third Thursday [11-14-05]~~, ~~second Saturday [02-17-05]~~, ~~second Thursday [10-17-06]~~ of each month at ~~7:00 p.m.~~, ~~6:00 p.m. [11-14-05]~~, ~~7:00 p.m. [06-16-11]~~, ~~9:00 a.m. [02-17-05]~~, ~~6:00 p.m. [10-17-06]~~ unless otherwise specified. If the evening of any meeting falls on a legal holiday, the meeting shall be held the following evening. The meeting shall be held at the Lake Court Center, unless otherwise specified.

### **Section C – Special Meetings**

Special meetings of the Board may be called by the President whenever he/she shall deem it necessary, or may be called by the Secretary at the request of any two trustees. Written notice shall be given each trustee of the time and place of the meeting by mail at least 48 hours before the date of the meeting. Neither the business to be transacted at nor the place of any such meeting of the board need be specified in the notice of such meeting. Other business may be discussed if all trustees agree.

### **Section D – Place of Special Meeting**

The meeting of the Board shall be held at the Lake Court, unless otherwise specified by the Board.

## **Section E – Quorum**

A majority of the duly appointed and qualified trustees shall constitute a quorum for the transaction of business; provided, however, that if no quorum is present, the trustees attending may adjourn the meeting from time to time until a quorum is attained.

## **Section F – Order of Business**

The order of business at all meeting of the Board may be as follows:

- Call to order
- Pledge of Allegiance
- Approval of Agenda
- Approval of Minutes
- Approval of Treasurer's Report
- Board Member Reports
- Employee Reports
- Old Business
- New Business
- Adjourn
- Executive Session (As Necessary)

## **Section G – Ordinances in Writing**

All ordinances, resolutions, and other proceedings of the Board shall be in writing and kept in a regular book of records, open to the public inspection at all reasonable and proper times, as prescribed by law.

## **Section H – Voting**

The yeas and nays shall be taken upon the passage of all ordinances, and upon all propositions to create any liability, or for the expenditures or appropriation of money, and in all cases at the request of any trustee and shall be entered upon the minutes of the proceeding. The act of the majority of trustees present at a meeting in which a quorum is present shall be the act of Board. **unless there are only 3 members of a 5-member board present at a meeting, then the affirmative vote of 3 members is necessary to adopt any motion, resolution, or ordinance per the Illinois Open Meetings Act 5 ILCS 120/1.02 [01-14-07].**

**Voting Via Electronic Media: The President may, at his/her discretion, require a vote of the entire 5-member board including those not physically present at a scheduled public meeting. In such cases, the agenda will reflect such a requirement and specifically identify the motion/business item(s) requiring such a vote. Board members unable to attend said meeting will be allowed to cast a yea or nay vote via electronic media as defined in the Illinois Open Meetings Act 5 ILCS 120/7 Sec. 7 [01-14-08].**

## **Section I – Rules of Order**

Robert's Rules of Order shall govern in all questions of procedure not otherwise provided for herein.

# **CHAPTER III – OFFICERS AND EMPLOYEES**

## **Section A – Number**

The offices of the Board shall be President, Vice President, Secretary, and Treasurer as prescribed by law, and such assistants and other officers as may be chosen by the Board from time to time.

## **Section B – Election and Term of Officer**

The officers of the District shall be chosen annually by the Board at the beginning of each fiscal year. Each officer shall hold office until the next annual meeting or until his successor is duly chosen and has qualified. In the case of temporary absence or inability of any officer to act as such, the Board may fill his office pro-tempore.

The Board may appoint annually an attorney in the manner provided for officers herein and may further employ such employees from time to time, as may be required, defining and prescribing their respective duties and compensation.

## **Section C – Removal**

Any officer or employee chosen or employed by the Board may be removed by the Board whenever in its judgment the best interest of the District would be served thereby.

## **Section D – President**

The President shall be the executive officer of the Board. It shall be his/her duty to preside at all meeting when present, to sign all contracts and other papers authorized by the Board to see that all ordinances of the Board are faithfully executed and to exercise general supervision over all officers and employees and over the business and property of the District.

### **Section E – Vice President**

The Vice President, in the absence of the President, or in the event of his/her refusal or inability to act, shall be vested with the powers and perform the duties of the President.

### **Section F – Secretary**

The Secretary shall keep the corporate seal and all books and records pertaining to his/her office, shall attest and affix the corporate seal to all instruments requiring such action when authorized by ordinance or vote of the Board, and shall cause publications to be duly published. He/She shall give notice of and attend all meetings of the board and keep a full and true record of its proceedings, including all ordinances passed.

### **Section G – Treasurer**

The Treasurer shall receive and safely keep all monies belonging to the District, depositing, in the name of the District, all moneys belonging to the District and received by him in the bank or banks approved and designated by the Board. He/She shall disburse the same only upon the authority of the board. He/She shall make monthly reports to the board of all receipts and disbursements, submitting at the annual meeting of the Board a detailed statement showing all receipts and disbursements during the preceding year. He/She shall furnish to any Commissioner or Officer information as to any matter relating to this office, requested by same, including copies of records of receipts and disbursements, statements of account, audits and other records of the District under his/her control of supervision.

### **Section H – Attorney**

The Attorney shall have charge of all legal matters and of the prosecution and defense of all litigation in which the District is interested. He/She shall draft all ordinances, resolutions and other instruments required by the Board, and shall give opinions on all questions referred to him.

### **Section I – Additional Duties of Officers and Employees**

In addition to the duties herein above specified, each officer and employee shall perform such other duties as may be required of him by the Board or by law.

### **Section J – Compensation of Officers and Employees**

The officers who are not members of the Board, and all employees shall receive such compensation for their services as the Board shall from time to time determine pursuant to law.

### **Section K – Bonds**

Before entering upon their respective duties, all officers and employees may be required to give bond in such penal sum and with such conditions and security as may be determined by the Board.

### **Section L – Oath**

All officers and employees may be required to take an oath of office as prescribed by law.

## **CHAPTER IV – Committees**

The President may at any time appoint committees as are deemed necessary.

## **CHAPTER V – Purchase Orders and Contracts**

### **Section A – Contract Limitation**

All contracts for supplies, materials, or work involving an expenditure in excess of ~~\$10,000~~ **\$2,500 [09-06-07]** must be let to the lowest responsible bidder after notice and competitive bidding.

### **Section B – Contracts**

All Contracts exceeding in amount of the sum of ~~Five Hundred Dollars (\$500)~~ **One Thousand Dollars \$1,000 [05-09-06]** for work, materials or supplies, or public improvements of any kind, shall be let by the trustees and shall be executed in duplicate. All contracts for supplies, material or labor involving an expenditure in excess of ~~\$10,000~~ **\$2,500 [09-06-07]** shall be let to the lowest responsible bidder after publication of notice and the taking of sealed bids. All such contracts so executed shall be in the name of and run to the District, and shall be signed on behalf of the District by the President, attested by the Secretary and the Corporate Seal shall be affixed thereto.

### **Section C – Awarding Contracts**

The awarding of any contract involving the amount as set forth in Section A, shall be to the lowest responsible bidder. In determining the responsibility of the bidder, the Board may consider financial responsibility, past transactions with the bidder, experience, adequacy of equipment, ability to perform, time limits and other pertinent considerations. Any and all bids received may be rejected by the Board if the bidder is not determined responsible of the character or quality of the services, supplies, materials, equipment or labor do not conform to the requirements or if the Board deems the acceptance to be contrary to the best interest of the District.

**Exceptions:** The foregoing limitations, rules and regulations of this section shall not apply to the following:

1. Expenditures for exclusive or unusual or noncompetitive items or services specifically approved by at least three members of the Board at a duly constituted meeting of the Board.
2. Contracts for utilities-services such as water, electricity, gas and telephone, necessary for the continuous operation of the District.
3. Contracts and purchase orders for the printing or engraving of bonds, tax warrants or evidences of indebtedness.
4. Contracts and purchase orders for the purchase of magazines, books, periodicals, and similar articles of educational or instructional nature.
5. Contracts for the services or individuals possessing professional skills such as accountants, architects, engineers and lawyers.
6. Employment of personnel and the payroll thereof.
7. The purchase of regular supplies and services for the day-to-day operation of the District where a single purchase does not exceed \$500.00 which purchase the Trustees are hereby authorized to make.

### **Section D – Circumvention**

No undertaking involving amounts in excess of the amounts set forth in this section shall be split into parts so as to produce amounts less than those set forth for the purpose of avoiding the provision of this section.

### **Section E – Monthly List of Bills**

The Treasurer shall submit to each monthly meeting of the Board a written list of recommended expenditures from the funds of the District. Said list shall set forth the name of the payee, the amount of the expenditure and the account number or description to which said expenditure is to be charges. A roll call vote shall be taken at the board meeting for the approval of the printed list of all expenditures.

## **CHAPTER VI – Fiscal Affairs**

### **Section A – Fiscal Year**

The fiscal year of the District shall begin on the first day of May of each year and shall end on the last day of April in the succeeding year.

### **Section B – Budget and Appropriation Ordinance**

Within the first quarter of the fiscal year, the Board shall adopt the Annual Appropriation Ordinance for the fiscal year.

### **Section C – Tax Levy Ordinance**

The Board shall adopt the Annual Tax levy Ordinance and special levy ordinance for special taxes, now or hereafter authorized to be levied, which said ordinance shall be duly certified by the Secretary and a certified copy thereof shall be filed with the County Clerk of Ogle County, not later than the last Tuesday in December or not later than such date as may hereafter be provided by law.

## **CHAPTER VII – CORPORATE SEAL**

### **Section A – Form of Seal**

The corporate seal of the district shall be circular in form with the words "Lost Nation New Landing River Conservancy District of Illinois" around the outer margin and the words "Corporate Seal, Illinois" in the inner circle.

## **CHAPTER VIII – REGULATION OF PUBLIC USE**

### **Section A – RCD Property Hours**



1. Any RCD property or portion thereof may be closed to the public by the RCD Board at any time and for any interval of time as the RCD Board finds reasonably necessary.
2. Open hours for specific areas or facilities within an RCD Property may be set by the RCD Board.

### **Section B – Permits**

1. Permits will be issued by the RCD Board or designated representative.
2. Permits shall not be transferable.
3. The permittee or a permittee's designated representative shall be in attendance at all times during the use thereof and have physical possession of the permit.
4. It shall be unlawful for a person to violate any provision of a permit.
5. Any permit granted pursuant to this ordinance may be revoked upon the violation by the permittee, or any provision of the permit.
6. The permittee shall be liable for any loss or damage to RCD Property or injury to any person by reason of the negligence of the permittee or associated individual(s).

### **Section C – Fees and Damages**

1. The Board shall set fees for the use of designated areas or facilities and activities within the RCD Property.
2. It shall be unlawful for any person to use an area or facility or engage in an activity for which a fee has been established by the RCD Board without payment of such fee.
3. The RCD Board may assess damages to person or persons responsible for any loss, damage or injury sustained by the RCD Property.

## **CHAPTER IX - REGULATION OF GENERAL CONDUCT**

### **Section A – Drug and Alcohol Use**

It shall be unlawful, when using or occupying an RCD Property, for any person to:

1. Serve, possess, consume, sell, barter, furnish, give, purchase or attempt to purchase any alcoholic beverage, **except for the renting of the LCC and as outlined in the rental agreement [08-10-06]. In addition, community organizations wanting to use the LCC for a community event, after receiving prior approval by the RCD, may allow alcohol consumption [03-11-03].**
2. Be under the influence of alcohol or other controlled substance;
3. Use or be under the influence by reason of inhaling any substance defined as an "inhalant"; or
4. Serve, possess, consume, sell, barter, furnish, give, purchase or attempt to purchase any controlled substance, except the possession or consumption of such substance with a lawful prescription.

### **Section B – Nuisance/Private Property**

It shall be unlawful, when using or occupying an RCD Property, for any person to:

1. Commit any act that constitutes a nuisance;
2. Place or park vehicles, equipment or property in a manner or location that interferes with traffic or other park visitor's enjoyment of the RCD Property;
3. Leave or store personal property. (See Chapter XII C. for Boating)

### **Section C – Littering**

It shall be unlawful for any person to:

1. Deposit, scatter, drop, or abandon in an RCD Property any bottles, cans, glass or broken glass, sewage, waste, refuse or other materials, except in receptacles provided for such purposes; or
2. Bring into an RCD Property any materials listed in Section 1 hereof, hazardous waste, solid or liquid waste for the purpose of disposal in receptacles provided in the RCD Property or on any RCD Property.

### **Section D – Possession/Use of Firearms/Dangerous Weapons**

It shall be unlawful, when in an RCD Property, for any person except authorized peace officers to:

1. Display or use on RCD Property any gun including shotgun, rifle, pistol, revolver, air or BB gun, bow and arrow, switchblade knife with spring loaded blade, throwing knife, tomahawk or throwing axe, or martial arts devices, **with the exception of the allowance of deer hunting with a bow and arrow on the RCD property that is north of the creek north of the RCD campground per RCD hunting permit and liability waiver and IDNR hunting regulations and to continue each hunting season thereafter until the board elects to stop the program [07-16-05], and with the exception of the allowance of bow hunting of carp with a tethered bow and arrow on Lost Lake per IDNR fishing regulations [07-16-06].**

## **Section E – Interference with Employee Performance of Duty**

It shall be unlawful for any person to impersonate a park employee or to interfere with, harass, or hinder any employee in the discharge of his/her duties.

# **CHAPTER X - REGULATIONS PERTAINING TO GENERAL OPERATION**

## **Section A – Commercial Use/Solicitation**

It shall be unlawful for any person to:

1. Use any RCD Property for commercial purposes without a permit;
2. Solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in an RCD Property except by authorized concession or written permission from the RCD Board.

## **Section B – Noise/Amplification of Sound**

It shall be unlawful, when in an RCD Property, for any person to:

1. Operate or permit the use or operation of any loudspeaker, sound amplifier or other device for the production or reproduction of sound, except for RCD, POA or Social Committee special programs or events;
2. Use, operate or permit the use or operation of any radio, phonograph, television set or other machine or device for the production or reproduction of sound in such a manner as to be disturbing or a nuisance to reasonable persons of normal sensitivity within the area of audibility; or
3. Willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or is an annoyance to any reasonable park visitor of normal sensitivity.

The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following: (1) level of noise; (2) the intensity of the noise; (3) whether the nature of the noise is usual or unusual; (4) the level and intensity of the background noise, if any; (5) the type of area within which the noise emanates; (6) the intensity of human use of the area during the time at which the noise emanates; (7) the time of the day or night the noise occurs; (8) the duration of the noise; and (9) interpretation of these criteria by assigned staff of the RCD Board.

## **Section C – Fires**

It shall be unlawful, when using or occupying an RCD Property, for any person to:

1. Start a fire, except a recreational fire or a fire for culinary purposes within containment structures (fire rings, grills, portables stoves) in designated areas;
2. Leave a fire unattended or fail to fully extinguish a fire;
3. Drop, throw or otherwise leave unattended lighted matches, burning tobacco products, or other burning or combustible material; or
4. Dispose of ashes or embers except in containers designated for that purpose.

## **Section D – Pets in Parks**

It shall be unlawful for any person owning, having control or custody of any pet, excluding animals certified to and assisting persons with disabilities, to:

1. Bring a pet into or have a pet in an RCD Property without it being caged or under physical control on a leash no more than six feet in length;
2. Allow a pet to enter a swimming beach area, or other unauthorized area within a RCD Property;
3. Allow a pet to disturb, harass, or interfere with any park visitor, park visitor's property, park employee, park employee's property, the employees or property of a contractor of the RCD, or to endanger the safety of park visitors, park employees, or employees of a contractor of the RCD;
4. Allow a pet to damage park property, resources, or facilities;
5. Tether a pet to a tree, plant, building or park equipment, or leave a pet unattended in a RCD Property;
6. Bring a pet into an RCD Property without possessing and using an appropriate device for cleaning up pet feces and disposing of the feces in a waste receptacle.

## **Section E – Unlawful Occupancy**

It shall be unlawful for any person to enter in any way any building, installation, or area that may be under construction or locked or closed to public use; or to enter or be upon any building, installation, or area after the posted closing time or before the posted opening time, or contrary to posted notice in any RCD Property.

## **CHAPTER XI - PROTECTION OF PROPERTY, STRUCTURES, & NATURAL RESOURCES**

### **Section A – Destruction/Defacement of Park Property/Signs**

It shall be unlawful for any person to intentionally deface, vandalize, tamper with or otherwise cause destruction to park property.

### **Section B – Disturbance of Natural Resources**

It shall be unlawful, when using or occupying an RCD Property, for any person to:

1. Intentionally remove, alter, injure, or destroy any tree, plant, or other vegetation, soil, mineral or other natural resource;
2. Dig trenches, holes, or other excavations;
3. Divert, impound or alter a watercourse; or
4. Introduce, release, abandon or dispose of any plant or animal.

### **Section C – Disturbance of Wildlife**

It shall be unlawful, when using or occupying an RCD Property, for any person to hunt without a permit from the RCD Board.

### **Section D – Release of Harmful or Foreign Substances**

It shall be unlawful for any person to:

1. Place any debris, pollutant or other agent in or upon any RCD Park lands or body of water in or adjacent to an RCD Property, or any tributary, stream, storm sewer, or drain flowing into such waters; or
2. Discharge wastewater or any other wastes in an RCD Property, except into designated containers, drain or dumping stations.

### **Section E – Interference of Park Property**

It shall be unlawful for any person to encroach on park property with such items as fences or gardens, or to disturb the natural landscape, vegetation, or structures on park property or otherwise use park property for private use. All setbacks and other local zoning regulations are in effect and apply against properties adjacent to an RCD Property as they would against property adjacent to private property except by permit which is revocable upon RCD Board discretion.

### **Section F – Docks and Shoreline Improvements**

All lakeshore property owners must apply to the Board for approval of all proposed adjacent property shoreline, bank and boat dock facility improvements. Docks shall not protrude into the lake greater than five (5) feet horizontal distance from the normal water's edge and shall not be greater than fifteen (15) feet in length as extending along the water's edge. Placement for docks shall be in compliance with subdivision restrictions.

Plans for any proposed dock or shoreline improvement adjacent to Lost Lake shall be submitted to the Board in writing and shall include a detailed plot plan drawings to scale, showing locations or all proposed improvements, a typical profile elevation detail, and a complete listing of all construction materials to be used, along with details for any dock construction.

All docks and shoreline improvements will be inspected by the Board and if found defective or not maintained properly, the owner will be advised of the discrepancies. If not corrected within a reasonable time, the dock and/or shoreline improvement will be removed/repared at the owner's expense and renewal approval will not be granted.

Board approval hereunder does not relieve the owner of any other permit application requirements to any governmental agency having jurisdiction over the improvement.

Owner shall be responsible for any erosion or shoreline damage caused by the dock or shoreline improvement. Any costs to rectify shoreline damage and/or erosion is the responsibility of the property owner.

### **Section G – Dumping of Materials**

No dumping of any soil or other material on RCD Property is allowed without expressed written permission by the RCD board. Any material dumped without permission will be removed at the property owner's expense.

The trash receptacles located by the dam and entrance to the campground is for the RCD parks use only. Any person caught dumping personal garbage can/will incur a fine as determined by the RCD board.

The burn pile located by the dam and entrance to the campground is for leaves, branches and small brush. It is not for personal garbage, stumps, or any other material not listed above as acceptable.

FOR PROPERTY OWNER USE ONLY. Contractors Prohibited from Use of This Burn Pile Unless Accompanied by the Responsible Property Owner. Branches exceeding 4" in diameter are PROHIBITED. BRUSH ONLY, NO weeds, leaves, tree stumps, construction debris, glass bottles, cans, plastic bags/bags of garbage, foam cups, bales of straw, grass clippings, metal, fish intestines, etc. The cost of disposing these unwanted items is unfair to LNNLRCD taxpayers! Violators are subject to fines per the LNNLRCD Ordinance Code [09-05-05].

## CHAPTER XII - REGULATION OF RECREATION ACTIVITY

### Section A – Camping

It shall be unlawful when using or occupying an RCD Property, for any person to:

1. Camp except in areas provided and designated for that purpose;
2. Camp in a designated camping area without a camping permit;
3. Camp overnight in a park if under 18 years of age unless accompanied by a parent or authorized adult.

Campground Season: the official season camping season will be May 1<sup>st</sup> through October 31<sup>st</sup> [07-04-06].

### Section B – Swimming

The RCD beaches do not have lifeguards. Swim at your own risk. All rules posted at the beaches must be followed. It shall be unlawful, when using or occupying an RCD Property, for any person to:

1. Wade or swim except at beaches designated for such use and to dive off of any swim rafts;
2. Allow a child wearing diapers to swim or wade in a swimming area without waterproof covering over the diaper;
3. Take glass or breakable containers of any kind onto a designated beach or water areas.

Beach Season: the beach season for swimming will be from Memorial Day weekend to Labor Day [10-04-06].

### Section C – Boating

It shall be unlawful, when using or occupying an RCD Property, for any person to:

1. Use any motor other than electric trolling motors excepting Illinois DNR and RCD watercraft.
2. Leave unattended any boat or other watercraft except in park areas designated for such purpose and on RCD owned docks. The RCD Board shall have the power to remove any abandoned watercraft and store said watercraft until claimed by the owner and fees of \$15.00 for removal and \$5.00 for each day's storage are paid by the owner;
3. Operate a watercraft in violation of Illinois Compiled Statutes Vehicles Boat Registration and Safety Act 625 ILCS 45 (et al);
4. Operate a watercraft within a designated swimming area or posted Dam warning area.

Boat Rack Policy: all boats stored on RCD property must be on racks [07-04-05].

It shall be unlawful when in an RCD property to operate a watercraft without obeying the following posted LNNLRCD boating regulations:

1. All boats must have current RCD stickers / Guest Passes
2. All boats must have current IDRN stickers;
3. All boaters must follow IDNR regulations;
4. IDNR fishing licenses required;
5. Creel limits must be followed.

Fines: \$50 per violation first time, \$150 per violation for repeat offenders

RULES STRICTLY ENFORCED [07-11-05]

Electric wave runners or other similar electric-powered watercraft are prohibited from all areas on or immediately within the boundaries of Lost Lake. These forms of watercraft cause and result in creating wake energy and shoreline erosion, sediment resuspension and nearshore turbidity which impedes the long-term planning goals of the Lost Lake Restoration and Dredging Program [03-20-07].

### Section D – Fishing

It shall be unlawful, when using or occupying an RCD Property, for any person to:

1. Fish in violation of Illinois Compiled Statutes Fish and Aquatic Life Code 515 ILCS 5 (et al) and any of the posted RCD Fishing rules;
2. Fish in an area designated as a "no fishing" area;
3. Clean fish without properly disposing of the fish waste in a receptacle.

## **Section E – RCD Building(s)**

The renter(s)/user(s) of the RCD buildings must abide by the following rules:

1. The renter is responsible for any breakage and damage to the building and the grounds.
2. The renter is responsible for closing and locking all doors and windows before leaving the property.
3. The renter is responsible for set-up and clean-up of the building.
4. The renter is responsible for making arrangements for heat control and/or air conditioning.
5. No alcoholic beverages are allowed in the building at any time.
6. No smoking is permitted in the building.
7. The renter may use the appliances that are present in the building, but they must be cleaned before leaving.
8. Music and noise must be held to a reasonable level with regard to surrounding residents. We reserve the right to terminate any event where the people are disruptive, destructive or disrespectful.
9. The library is not included with building rental.
10. The event must be ended by 9:00 p.m., and the clean-up completed, and the building vacated by 10:00 p.m.

## **Section F – Other Winter Activities**

Winter activities shall be permitted at the user's own risk.

# **CHAPTER XIII - REGULATION OF MOTORIZED VEHICLES, TRAFFIC, AND PARKING**

## **Section A – Vehicle Operation**

It shall be unlawful, when using or occupying an RCD Property, for any person to operate, park, or leave any vehicle, except upon roadways, parking areas, or other designated locations.

## **Section B – Parking Vehicles**

It shall be unlawful, when using or occupying an RCD Property, for any person to:

1. Park or leave a vehicle standing except in a designated area and then only in a manner so as not to restrict normal traffic flow;
2. Park or leave a vehicle without a handicapped parking permit in view in a handicapped parking space;
3. Park or leave a vehicle with a boat trailer except in a designated boat trailer parking area when such area is provided.

## **Section C – Motorized Recreational Vehicles**

It shall be unlawful for any person to operate a motorized recreational vehicle on RCD property or in an unsafe or destructive manner. No vehicles allowed on a beach at any time.

# **CHAPTER XIV – ENFORCEMENT**

## **Section A – Park Patrol Authority/Authorized Agents**

1. Designated RCD employees/volunteers and RCD Board members may enforce the provisions of this ordinance and eject from the RCD Property persons acting in violation of this ordinance.
2. Law enforcement authorities where RCD Property is situated shall have jurisdiction to patrol and enforce all ordinances and laws, state or local, on RCD property.

## **Section B – Additional Rules and Regulations**

The RCD Board shall have the right to issue rules and regulations relative to this ordinance.

## **Section C – Fines and Penalties**

Violations of the provisions of this ordinance or failure to comply with any of its requirements, or rules and regulations established by the RCD Board, shall constitute a misdemeanor, and shall upon conviction be fined, not less than \$10.00 nor more than \$500.00 for each offense. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

## **Section D – Permit Revocation**

1. If any person shall be found guilty in a court of competent jurisdiction of the violation of any provision of this ordinance, the conviction shall operate as a revocation of any permit granted by the RCD Board without further action.
2. The RCD Board or designee shall have the authority to immediately revoke for good cause any permit or reservation issued hereunder.

## **CHAPTER XV – MISCELLANEOUS**

### **Section A – Exemptions**

All RCD employees, contractors, and personnel while acting in the performance of their assigned duties and are in the scope thereof are exempt from the provisions of this ordinance.

### **Section B – Repeal**

All ordinances pertaining to the regulation of RCD Property enacted prior to this ordinance are hereby repealed.

### **Section C – Enactment**

This ordinance shall be in full force and effect from and after its passage and publication according to law.

### **Section D – Notification**

It shall be the responsibility of the RCD to provide for adequate notification of the public, which shall include placement of a sign at each public access outlining essential elements of the ordinance, as well as the placement of necessary buoys and signs.

### **Section E – Severability**

The provisions of this ordinance shall be separable and the invalidity of any section, paragraph, subparagraph, subdivision, or other part thereof shall not make void, impair, invalidate or affect the remainder hereof.

### **Section F – Amendment**

This ordinance may be amended from time to time by the RCD Board of Directors. An amendment may be shown by either marking the section amended, attaching the amendment to this ordinance, or reprinting the ordinance publication.

## **CHAPTER XVI – PUBLICATION IN BOOK FORM**

In lieu of other publication, this ordinance shall be published in book or pamphlet form, and when so published shall become effective with the same force and effect as if otherwise published. Such book or pamphlet shall be received as evidence of the passage and publication of this Ordinance in all courts or places without further proof, as provided by law.

## **CHAPTER XVII – EFFECTIVE DATE**

This ordinance shall take effect and be enforced from and after its passage and publication in book or pamphlet form as provided by law.

Passed and approved by the Lost Nation New Landing River Conservancy District of Illinois Board of Directors on this 9<sup>th</sup> day of April 2002.

## **CHAPTER XVIII – ETHICS ORDINANCE**

### **AN ORDINANCE REGULATING THE POLITICAL ACTIVITIES OF AND THE SOLICITATION AND ACCEPTANCE OF GIFTS BY OFFICERS AND EMPLOYEES OF THE LOST NATION-NEW LANDING RIVER CONSERVANCY DISTRICT OF ILLINOIS, OGLE COUTNY, ILLINOIS**

#### **PREAMBLE**

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units “in a manner no less restrictive” than the provisions of the Act; and

WHEREAS, it is the clear intention of the Act to require units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable; and

WHEREAS, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE LOST NATION-NEW LANDING RIVER CONCERNANCY DISTRICT OF ILLINOIS, OGLE COUNTY, ILLINOIS (the "District"), AS FOLLOWS:

SECTION 1: The Code of Ordinances of District is hereby amended by the addition of the following provisions:

### **DEFINITIONS**

Section 1-1. For purposes of this ordinance, the following terms shall be given these definitions:

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 315/1-3).

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or part for time worked in excess of minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as the term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by the District, whether on full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the District.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

“Political organization” means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

“Prohibited political activity” means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

“Prohibited source” means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
- (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

## **ARTICLE 5 PROHIBITED POLITICAL ACTIVITIES**

Section 5-1. Prohibited political activities.

- (a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the District in connection with any prohibited political activity.
- (b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee’s duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).
- (c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
- (d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.



- (e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

## **ARTICLE 10 GIFT BAN**

Section 10-1. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-2. Exceptions. Section 10-1 is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother grandfather or grandmother of the individual’s spouse and the individual’s fiancé or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position of employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- (8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, “catered” means food or refreshments that are purchased ready to consume which are delivered by any means.
- (9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- (10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, “intra-governmental gift” means any gift given to an officer or employee from another officer or employee, and “inter-governmental gift” means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (11) Bequests, inheritances, and other transfers of death.
- (12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

Section 10-3. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

## **ARTICLE 15 ETHICS ADVISOR**

Section 15-1. The President, with the advice and consent of the Trustees shall designate an Ethics Advisor for the District. The duties of the Ethics Advisor may be delegated to an officer or employee of the District unless the position has been created as an office by the District.

Section 15-2. The Ethics Advisor shall provide guidance to the officers and employees of the District concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board of Trustees.

## **ARTICLE 20 ETHICS COMMISSION**

Section 20-1. There is hereby created a commission to be known as Ethics Commission of District. The Commission shall be comprised of three members appointed by the President with the advice and consent of the Board of Trustees. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of District.

Section 20-2. At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve 2-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to a 2-year terms. Commissioners may be reappointed to serve subsequent terms.

At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 commissioners. A quorum shall consist of two commissioners, and official action by the commission shall require the affirmative vote of two members.

Section 20-3. The President, with the advice and consent of the Board of Trustees, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon no less than 10- days' notice. Vacancies shall be filled in the same manner as original appointments.

Section 20-4. The Commission shall have the following powers and duties:

- (1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- (2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 25-1(c) of this Ordinance and refer violations of Article 5 or Article 10 of this Ordinance to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Ordinance and not upon its own prerogative.
- (3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Ordinance.
- (4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the District to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.
- (5) The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance.

Section 20-5.

- (a) Complaints alleging a violation of this Ordinance shall be filed with the Ethics Commission.
- (b) Within 3 business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.
- (c) Upon no less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Ordinance, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within 7 business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of Article 5 of this Ordinance, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

- (d) On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- (e) Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the President, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.
- (f) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within 7 business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 7 days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the President or impose a fine upon the violator, or both.
- (g) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under subsection (e) within 7 days after the complaint is filed, and during the 7 days preceding that election, the Commission shall render such decision before the date of that election, if possible.
- (h) The Commission may fine any person who intentionally violates any provision of Article 10 of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.
- (i) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

## **ARTICLE 25 PENALTIES**

### Section 25-1. Penalties.

- (a) A person who intentionally violates any provision of Article 5 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (b) A person who intentionally violates any provision of Article 10 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- (c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 day, and may be fined in an amount not to exceed \$2,500.
- (d) A violation of Article 5 of this Ordinance shall be prosecuted as a criminal offense by an attorney for the District by filing in the circuit court an information, or sworn, complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.  
A violation of Article 10 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the District, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.
- (e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of this Ordinance is subject to discipline or discharge.

SECTION 2: This Ordinance shall be in effect upon its passage, approval and posting as provided by law.

Passed: June 3, 2004

Approved: June 3, 2004

/s/ Joseph Olliges  
Joseph Olliges, Secretary

/s/ Joseph E. Gargano  
Joseph E. Gargano, President